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## Book Review: *American Indians and State Law: Sovereignty, Race, and Citizenship, 1790-1880* By Deborah A. Rosen

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**American Indians and State Law: Sovereignty, Race, and Citizenship, 1790-1880.** By Deborah A. Rosen. Lincoln: University of Nebraska Press, 2007. xvii + 340 pp. Notes, bibliography, index. \$55.00 cloth, \$29.95 paper.

Deborah Rosen details the historical relationship between states and their American Indian populations. She argues that while states set aside some racist understandings in order to admit Indians into the state populace through voting rights and state citizenship, they also used these same instruments as methods of assimilation to limit tribal sovereignty and citizenship and to take tribal lands.

While there was no question the federal government reserved the right to deal with tribal nations through both the Indian Commerce Clause and the Non Intercourse Acts, states still found some room to determine the political status of individual Indians. Because of the federal government's focus on the reservation system, which attempted to separate tribes from non-Indians, Indians who did not live on a reservation, or who were not citizens of a treaty tribe occupied an ambiguous legal identity for states. States sometimes used that ambiguity to exercise state jurisdiction and control over them.

Rosen also focuses on race laws, however, noting during the Antebellum period and immediately after the Civil War that racist institutions and thought countered state assimilationist movements. Therefore the struggle in the states emerged as an issue of exclusion or assimilation. For example, when states barred Indians from exercising the rights of citizenship, such as the 1857 Nebraska law preventing Indians from testifying in any lawsuit, exclusion trumped assimilation.

Elsewhere in the country assimilation was the trend. In the post-Civil War period, particularly in Northern states as far west as Minnesota, the state enfranchisement of Indians moved forward. While states did not read any federal laws or treaties as guaranteeing a right to vote, they did see enfranchisement of Indians as a way to extend state jurisdiction right up to the limits of federal jurisdiction. This process was relatively slow, however, and had other implications.

Specifically, the motives behind this movement towards enfranchisement were not always clear. While some proponents did believe in equal rights, state citizenship was also a way to distribute communal tribal lands and resources to non-Indians and the state. Incorporation into the state was antithetical to maintaining tribal relations and tribal governments. North Dakota, for example, initially only allowed Indians to vote if they had severed tribal relations. However, by the 1880s, the federal government's renewed interest in assimilation of Indians pushed the states out of the picture in determining Indian political status. By 1924, the federal government declared all Indians citizens, regardless of tribal affiliation.

While the role of the federal government and tribal relations has long been documented, the role of the state and the immediacy and daily conflict of early state/tribal relations is less well known. Rosen's book provides valuable research and insights on the early state laws, cases, and constitutions in relation to Indian peoples. **Kathryn E. Fort**, *Indigenous Law and Policy Center, Michigan State University College of Law*.